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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,247	05/20/1999	DAVID R. THOMAS	TIF-26270	6271

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12/03/2003

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EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 12/03/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

Office Action Summary

Application No.

09/315,247

Applicant(s)

THOMAS, DAVID R.

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 2-8, & 10-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recited element of "displaying said display video image prior to said step of recombining the regions of each of said video frames" does not appear to be described in the specification, and indeed appears to be counterindicated by the specification (e.g. Figure 3).

3. Claims 1, 3-8, 10-16, 18-27, & 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 10, 12 & 15 (and their dependent claims 11 & 13-14) are dependent from cancelled claim 9.

In claims 1 & 16, the phrases "the portion of said object in a remaining one of the plurality of regions" (claim 1, lines 11-12) and "said respective portion of said object" (claim 16, lines 15-16) lack proper antecedent basis. These phrases appear to refer to the portion of the object corresponding to the de-emphasised or blurred video frame regions, and should apparently read "the respective portion of said object corresponding to the respective region of the video frame").

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 16, 18-27, & 29, insofar as they are understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Omura et al.

Re claims 16, 19, 21-26, & 29, Omura et al. discloses (pages 889-892) a system for generating a video image in which a video frame is divided into a plurality of regions each defining a focal plane, and one region (e.g. the "distinct large cube" of Figure 5(b)) is selected by an observer as the region being actively observed. The image regions are recombined such that the selected region is sharp and the other regions are blurred

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in accordance with their respective distances from a reference point on the selected region's focal plane. Thus, images having a greater focal plane distance from the selected object are blurred more (page 891, column 1, second paragraph).

Re claim 18, the selected image of Figure 5(b) is a foreground object.

Re claim 20, the object selection is based on object position (via detection of the user's gaze direction and comparing this direction with the location of the object).

Re claim 27, Omura et al. discloses the use of the image generating system for artificially generated computer graphics images (page 891, column 1, first paragraph) and teleconferencing images from a caller captured by a video camera at the caller's site (page 889, column 1, second paragraph).

Response to Arguments

6. Applicant's arguments filed 06 March 2003 have been fully considered but they are not persuasive.

Applicant states (Paper #7, page 2, line 26 - page 3, line 1) that claims 1 & 16 have been amended to overcome the lack of proper antecedent basis pointed out in the previous Office action.

However, the corresponding phrases in amended claims 1 & 16 also lack proper antecedent basis. The recitation "each region...

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representative of a portion of said object" in claim 1, line 4-5 and claim 16, line 5-6 provides an antecedent basis; however, as noted above, the subsequent recitations do not clearly indicate a particular portion of the object.

Applicant argues (Paper #7: page 3, lines 4-9) that claim 1 recites a display of the display video image prior to recombination, and that this feature is not taught or suggested by Omura et al.

However, as noted above, this feature does not appear to be described by Applicant's Specification as originally filed. If Applicant believes that this feature is so described, Applicant is respectfully requested to specifically point out the description in the Specification indicating display of the display video image prior to recombination.

Applicant argues (Paper #7: page 3, lines 10-18) that the list of recitations from claim 16, lines 9-15 "is not shown or suggested by Omura". Absent a more specific description of the element(s) allegedly not taught or suggested by Omura, this argument amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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As noted above, Omura et al. describes the elements of receiving transmitted video data indicating a plurality of regions, arranged for forming a display video image in which the selected region (the "distinct large cube" of Figure 5(b)) is sharp and well-defined and remaining regions are de-emphasized in accordance with relative distances between the objects corresponding to those regions and a reference point defined by the focal plane of the object corresponding to the selected region.

Allowable Subject Matter

7. Claims 1, 3-8, & 10-15, insofar as they are understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The recited element of "displaying said display video image prior to said step of recombining the regions of each of said video frames" is not taught or suggested by the art of record.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

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Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb *Smb*
November 18, 2003



THOMAS D.
~~THOMAS D.~~ LEE
PRIMARY EXAMINER